STATES PATENT AND TRADEMARK OFFICE

In re Application

inventors:

DeUmellas, et al.

Application No.:

09/692.007

Confirm No.:

7175

Filed:

October 19, 2000

THE METHOD FOR LISTING A HARD MASK FOR

CRITICAL DIMENSION GROWTH

CONTAINMENT

PATENT APPLICATION

Art Unit:

1765

Examiner

L. Umez Eronini

Enstower No. 23919

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir.

- I, Stephen P. DeOmellas declare as follows:
- That I am a named inventor in the above-referenced U.S. Patent Application No. 3 09/692,007, hereinafter cited as the '007 application,
- 2. That I am a named inventor in U.S. Patent 6,287,975 filed January 20, 1998, to which the '007 application claims priority.
- That I have reviewed the latest claims describing the invention in the '007 application 3. that were filed with an Office Action Response on April 16, 2004.
- 4. That stincinci isb notebook entries include: (1) pages 77, 78 and 81-83 from the lab notebook of Kuri Olson, an employee of Tegal, the assignee of the "007 application (hereinafter the Olson notebook); and (2) pages 53-100 from the lab notebook of Alford

- 1 -

Cofer, a co-inventor of the '907 application and employee of Tagal (hereinafter the Cofer notebook). Note that some information has been reducted from both the Olsen and Cofer notebook entries.

- 5. That the Olsen lah notebook entries were witnessed by Lance McCullough (an employee of Tegal) and Kurt Olson, and were made at my direction and with my knowledge at the time the entries were made. Further, the Coler notebook entries were made at my direction and with my knowledge at the time the emries were made.
- 6. That I believe the lab notebook entries show conception of and reduction to practice of the claimed invention in the '607 application prior to January 20, 1997, a date one year before the earliest priority date of January 20, 1998 for the '007 application. I believe conception before January 20, 1997 is shown at least by pages 77, 78 and 81 of the Olsen notebook, with page 77 illustrating the conception of the hard mask, with page 78 illustrating etching in the presence of fluoride and adding energy in the form of temperature at 180-300 degrees Celsius, with page 77 illustrating the concept of etching in a stream of oxygen, and page 81 illustrating the hard mask in one embodiment to be intanium. I believe reduction to practice is shown as early as January of 1997 by data for a process performed on page 83 of the Olsen notebook, in particular the process is described using a hard mask with a process temperature of 75 degrees Celsius.
- 7. Further, I believe the lab notebook entries show diligence from conception before

 January 20, 1997 until filing of the present application on January 20, 1998. Conception
 is shown prior to January 20, 1997 as evidenced in the Olsen notebook indicated above.

 Diligence (as well as further reductions to practice) is shown from at least May of 1997
 through January of 1998 by pages 53-100 of the Cofer notebook.

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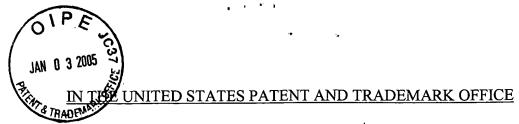
That the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

12-28-04

Date

1:

Stepten P. DeOmetlas



In re Application

Inventors:

DeOrnellas, et al.

Application No.:

09/692,007

Confirm. No.:

7175

Filed:

October 19, 2000

Title: METHOD FOR USING A HARD MASK FOR

CRITICAL DIMENSION GROWTH

CONTAINMENT

PATENT APPLICATION

Art Unit:

1765

Examiner:

L. Umez Eronini

Customer No. 23910

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

- I, Stephen P. DeOrnellas declare as follows:
- That I am a named inventor in the above-referenced U.S. Patent Application No. 1. 09/692,007, hereinafter cited as the '007 application.
- That I am a named inventor in U.S. Patent 6,287,975 filed January 20, 1998, to which the 2. '007 application claims priority.
- That I have reviewed the latest claims describing the invention in the '007 application 3. that were filed with an Office Action Response on April 16, 2004.
- That attached lab notebook entries include: (1) pages 77, 78 and 81-83 from the lab 4. notebook of Kurt Olson, an employee of Tegal, the assignee of the '007 application (hereinafter the Olson notebook); and (2) pages 53-100 from the lab notebook of Alferd

Attorney Docket No.: TEGL-01082US1 TAW taw/TEGL/1082US2/1082us2.111.doc

Cofer, a co-inventor of the '007 application and employee of Tegal (hereinafter the Cofer notebook). Note that some information has been redacted from both the Olsen and Cofer notebook entries.

- 5. That the Olsen lab notebook entries were witnessed by Lance McCullough (an employee of Tegal) and Kurt Olson, and were made at my direction and with my knowledge at the time the entries were made. Further, the Cofer notebook entries were made at my direction and with my knowledge at the time the entries were made.
- 6. That I believe the lab notebook entries show conception of and reduction to practice of the claimed invention in the '007 application prior to January 20, 1997, a date one year before the earliest priority date of January 20, 1998 for the '007 application. I believe conception before January 20, 1997 is shown at least by pages 77, 78 and 81 of the Olsen notebook, with page 77 illustrating the conception of the hard mask, with page 78 illustrating etching in the presence of fluoride and adding energy in the form of temperature at 180-300 degrees Celsius, with page 77 illustrating the concept of etching in a stream of oxygen, and page 81 illustrating the hard mask in one embodiment to be titanium. I believe reduction to practice is shown as early as January of 1997 by data for a process performed on page 83 of the Olsen notebook, in particular the process is described using a hard mask with a process temperature of 75 degrees Celsius.
- 7. Further, I believe the lab notebook entries show diligence from conception before January 20, 1997 until filing of the present application on January 20, 1998. Conception is shown prior to January 20, 1997 as evidenced in the Olsen notebook indicated above. Diligence (as well as further reductions to practice) is shown from at least May of 1997 through January of 1998 by pages 53-100 of the Cofer notebook.

- 2 -

8.	That the above statements were made with the k	nowledge that willful false statements
	and the like are punishable by fine and/or impris	sonment, or both, under Section 1001 of
	Title 18 of the United States Code, and that any	such willful false statement may
	jeopardize the validity of this application or any	patent resulting therefrom.
	Date Ste	phen P. DeOrnellas



Lab Notebook

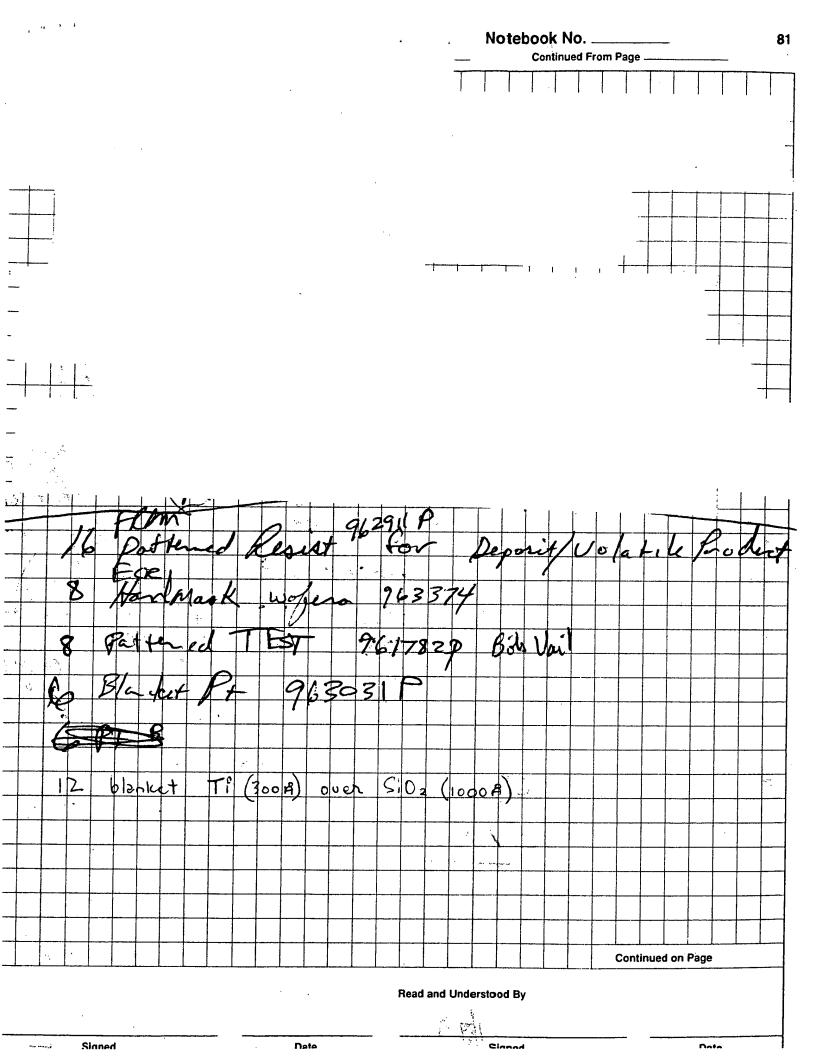
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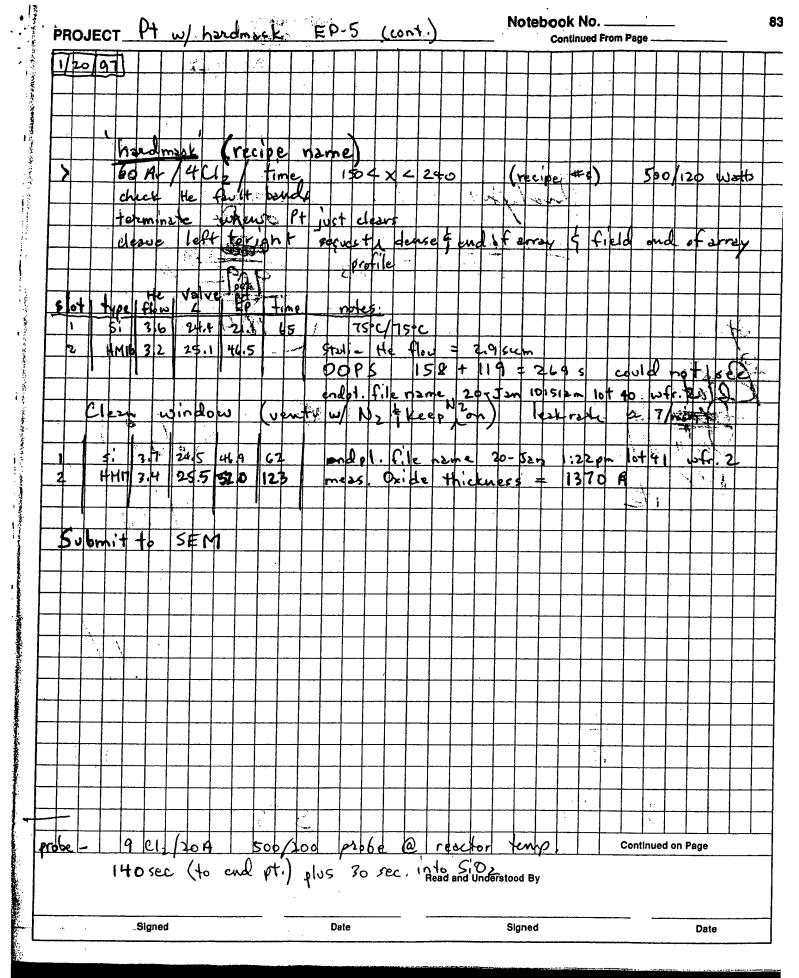
Kurt Olson

Dated: -----

pages 77, 78 and 81-83 (Dated through January 20, 1997)

Notebook No. _ Continued From Page **Continued on Page** Read and Understood By







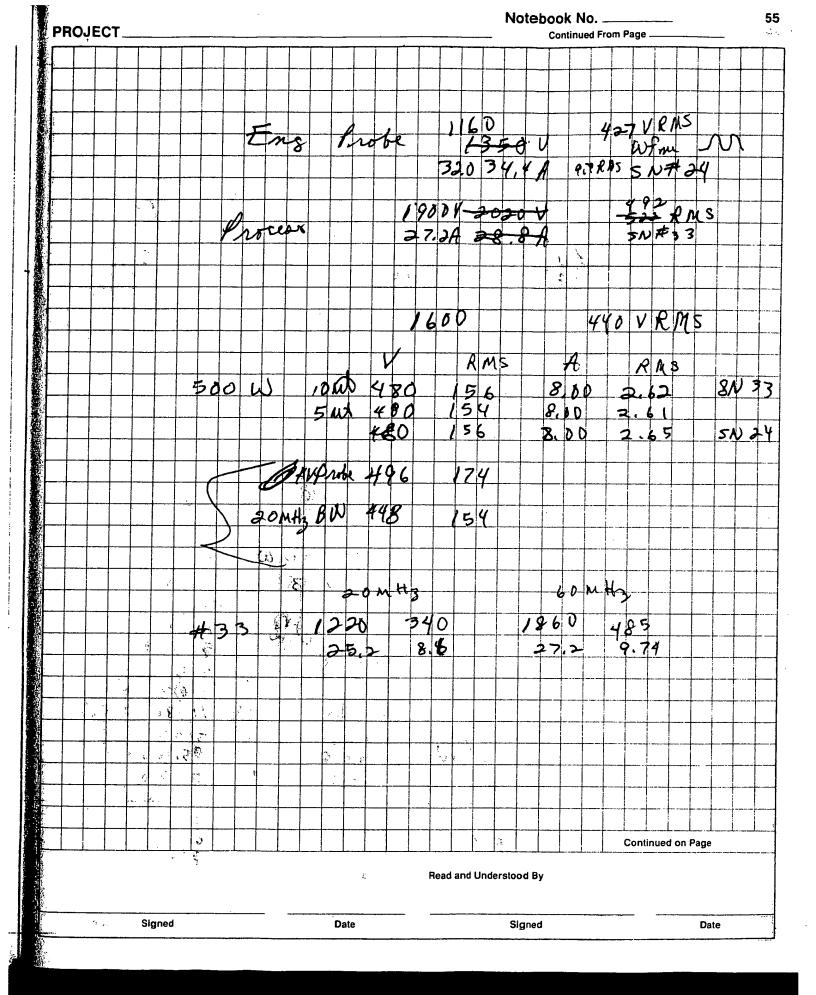
Lab Notebook

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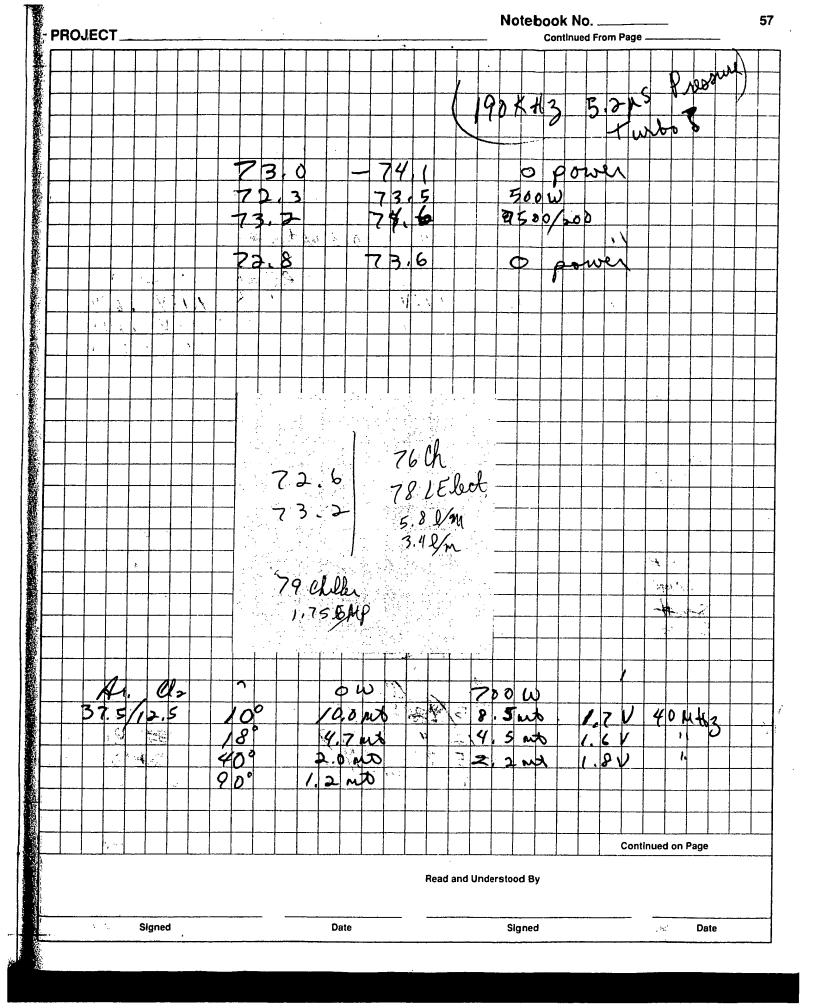
Alferd Cofer

Dated: December 13, 1996 through January 1, 1998

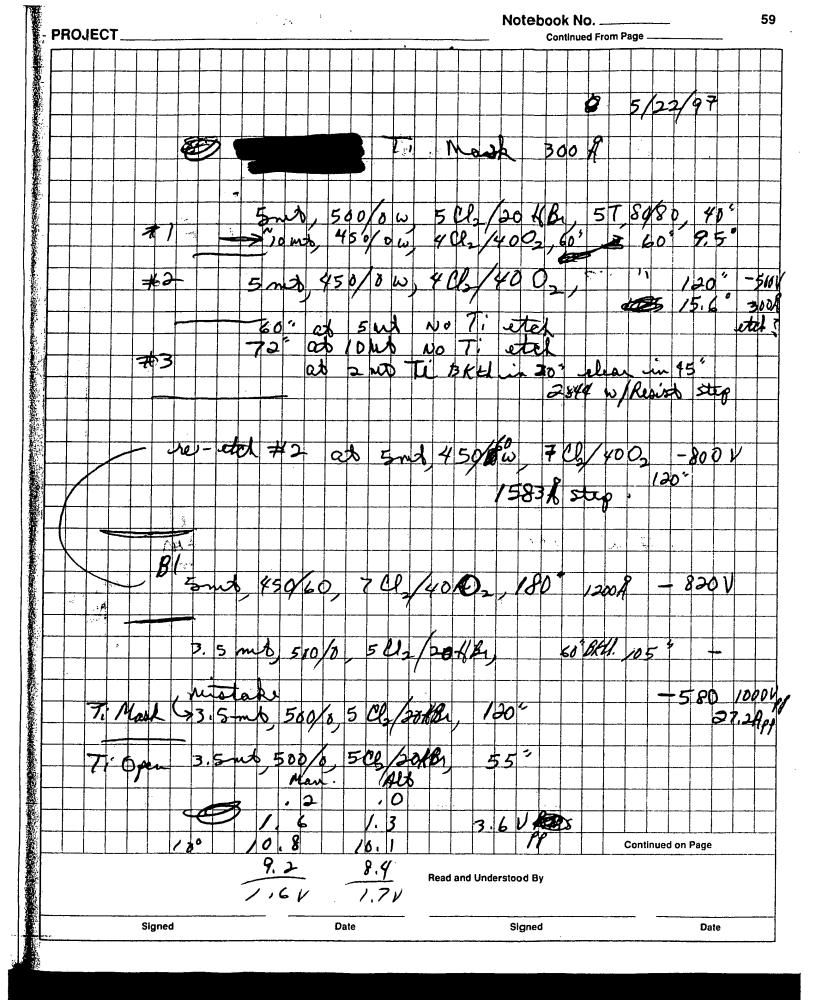
pages 53-100 (Dated May 14, 1997 through December 4, 1997)



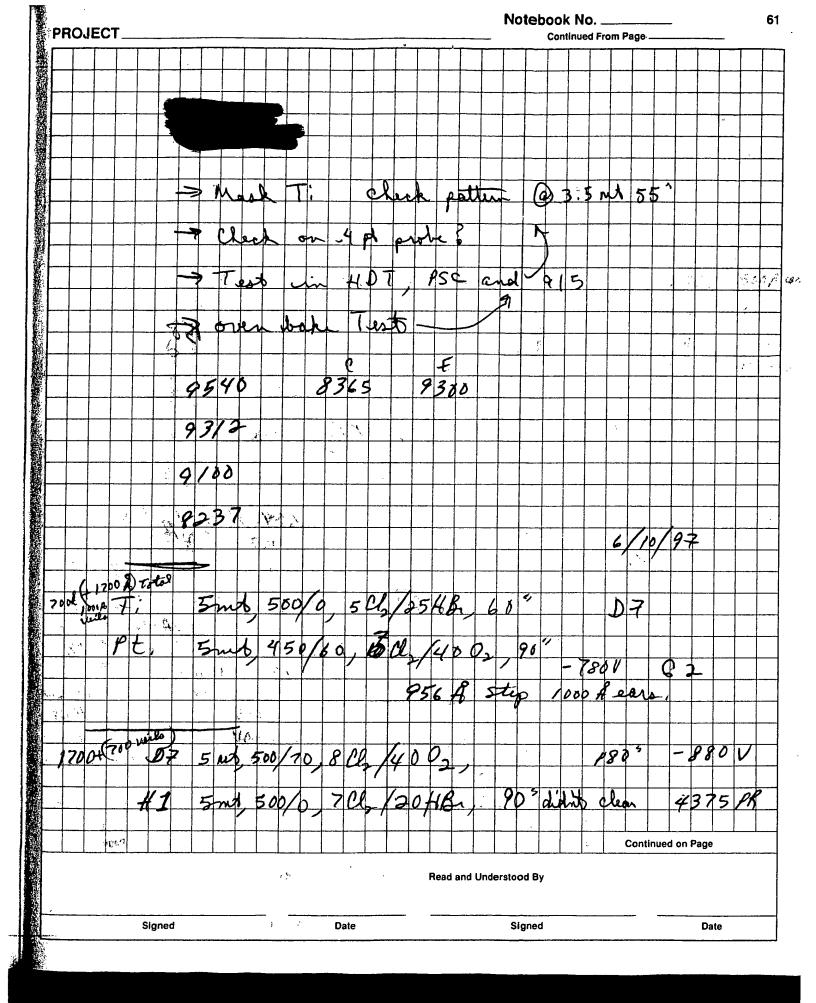
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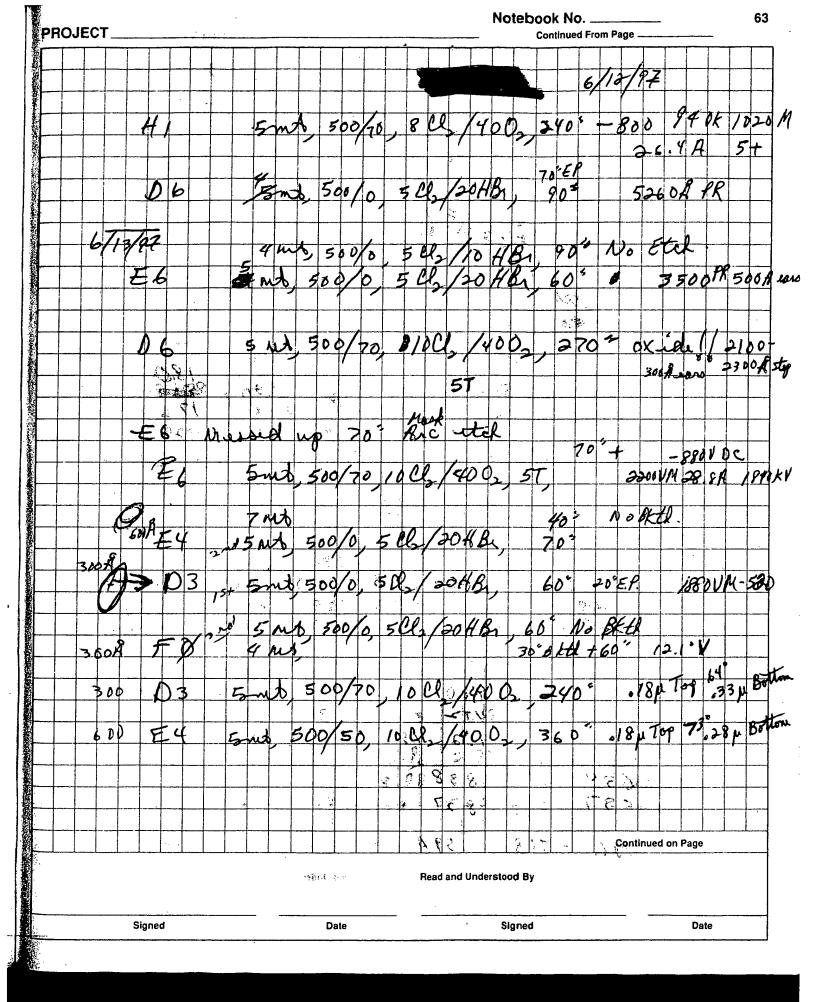


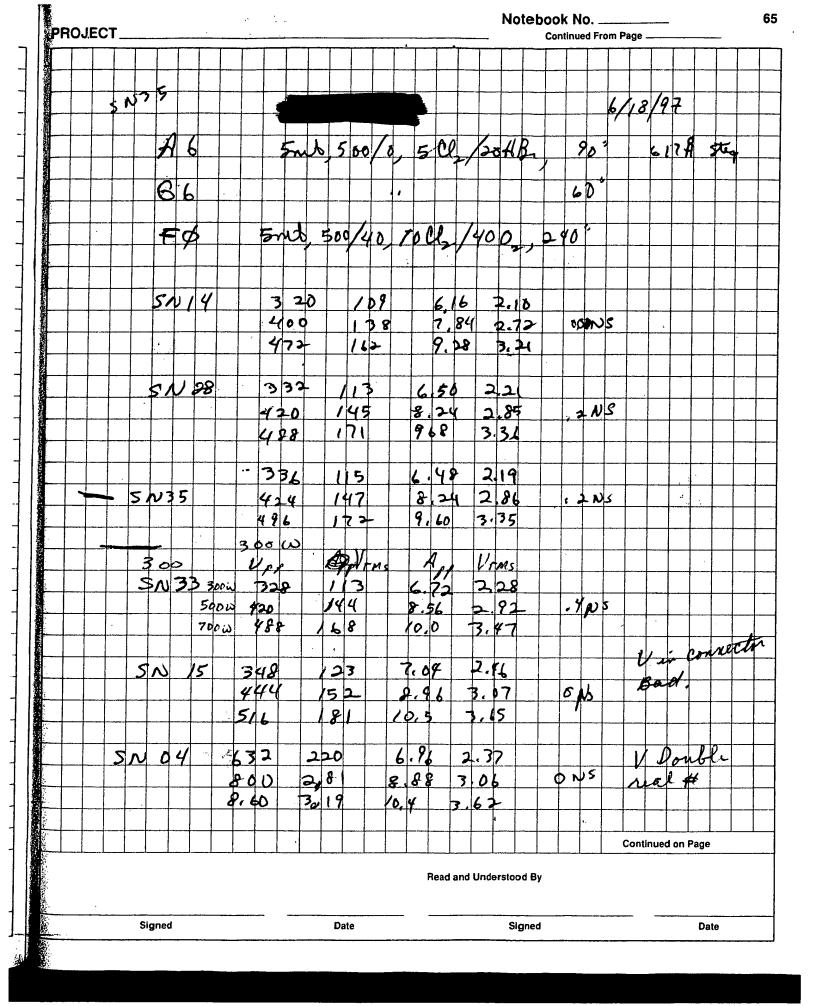
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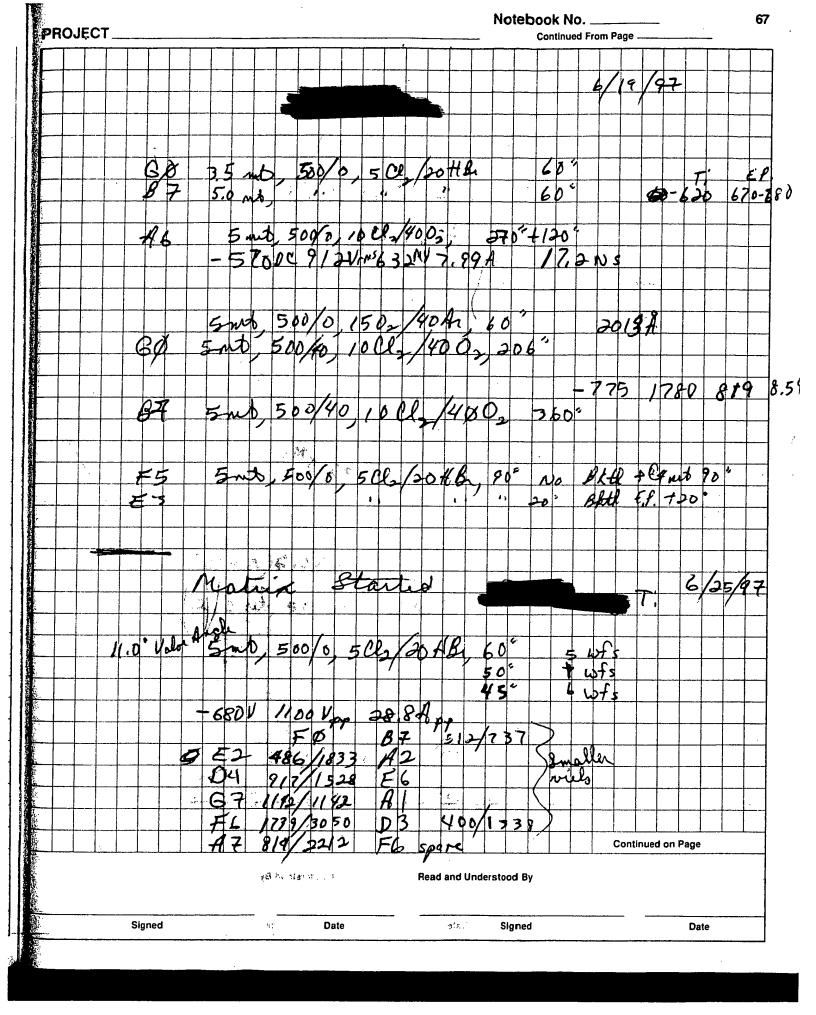
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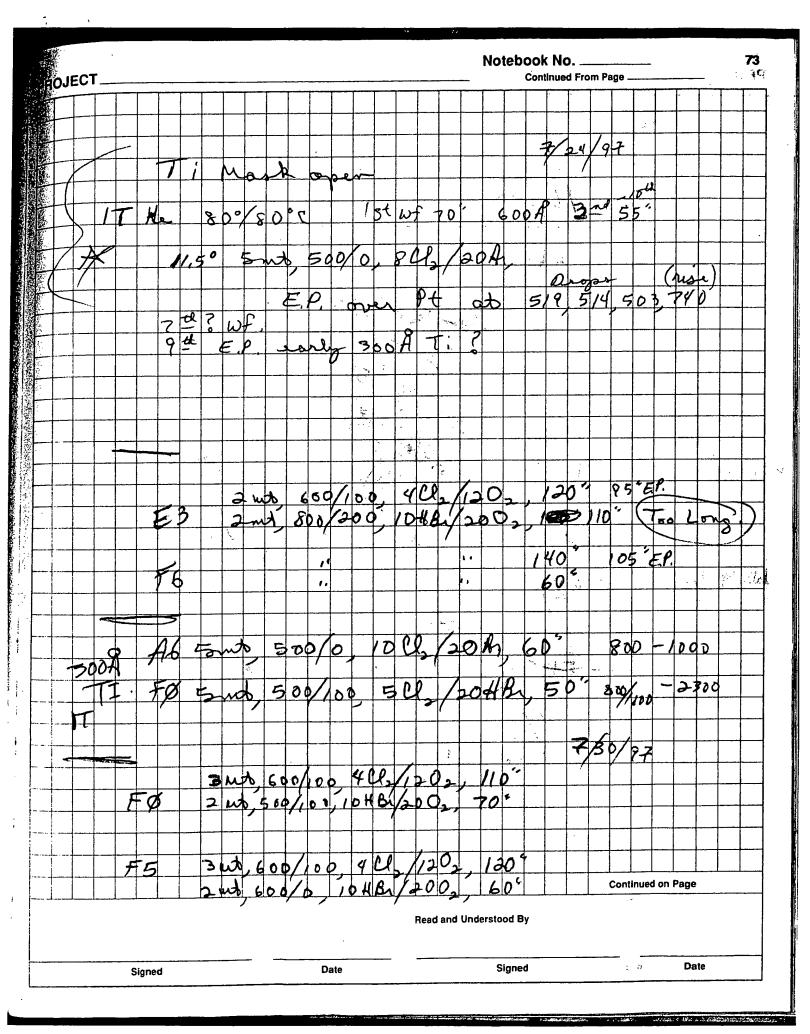
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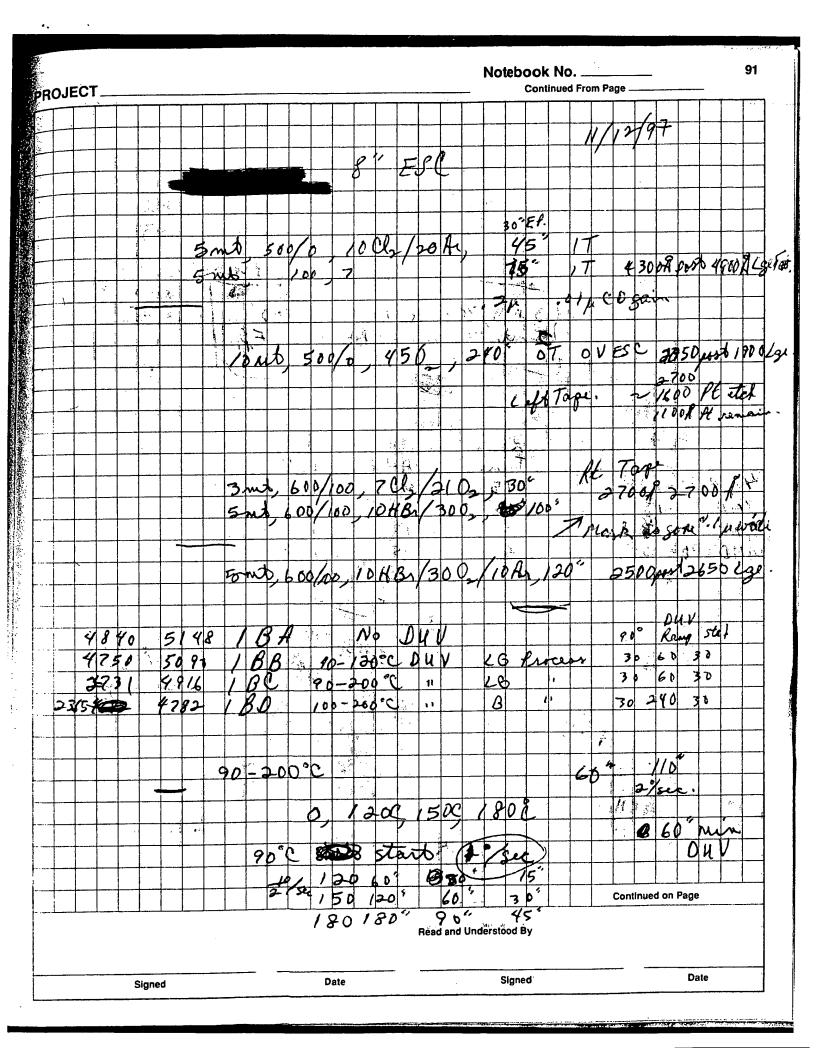
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